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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,832	11/25/2003	Matthew W. Poisson	BA0436US02V (NORT10-00367	4767
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,832

Applicant(s)

POISSON ET AL.

Examiner

KIEU D. VU

Art Unit

2173

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 12/26/07.
2. Claims 1-5 and 26-32 are pending.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Amended claims 26-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,765,591 in view of Shrader (US 5,864,666).

Claims 1 -11 of Patent 6,765,591 teaches all the limitation of amended claims 26-32 of the instant application but does not explicitly teach displaying tunnels associated with subscribers/computers. Shrader teaches providing a graphical user interface for displaying one or more virtual private network subscribers and one or more computers

offering virtual private network functions (col. 1, lines 37-50) (col. 4, lines 55-57), the graphical user interface being programmed to display tunnels associated with either the subscribers and/or the computers offering virtual private network functions based on user input (Fig. 7) (col. 8, lines 20-44). It would have been obvious to one of ordinary skill in the art to add Shrader's display tunnels associated with either the subscribers and/or the computers offering virtual private network functions based on user input with the motivation being to provide a user friendly interface for the administration of IP tunneling.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Shrader (US 5,864,666).

Regarding claim 1, Shrader teaches a method of managing a virtual private network, the method comprising: providing a graphical user interface for displaying one or more virtual private network subscribers and one or more computers offering virtual private network functions (col. 1, lines 37-50) (col. 4, lines 55-57), the graphical user interface being programmed to display tunnels associated with either the subscribers

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and/or the computers offering virtual private network functions based on user input (Fig. 7) (col. 8, lines 20-44).

Regarding claim 3, Shrader teaches wherein the virtual private network functions comprise tunneling (Fig. 7) (col. 8, lines 20-44).

Regarding claim 4, Shrader teaches wherein the virtual private network functions comprise authentication (col. 4, lines 47-54).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shrader and Moen et al ("Moen", USP 5864604).

Regarding claim 2, Shrader does not teach extranet switches. However, such feature is known in the art as taught by Moen. Moen teaches a telecommunication network system which comprises extranet switches (col 5, lines 38-46). It would have been obvious to one of ordinary skill in the art, having the teaching of Shrader and Moen before him at the time the invention was made, to modify the managing a network taught by Shrader to include extranet switches taught by Moen with the motivation being to enable the system extend the communication.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shrader and Kekic et al ("Kekic", USP 6272537).

Regarding claim 5, Shrader does not teach displaying subscribers and computers comprises displaying a hierarchical tree that includes the subscribers and the computers. However, such feature is known in the art as taught by Kekic. Kekic teaches displaying a hierarchical tree that includes the subscribers and the computers (Fig. 3B, 6C). It would have been obvious to one of ordinary skill in the art, having the teaching of Shrader and Kekic before him at the time the invention was made, to modify the managing a network taught by Shrader to include displaying a hierarchical tree that includes the subscribers and the computers taught by Kekic so that the user will be able to easily and quickly view the relationship between the subscribers and the computers.

10. Claims 26-32 are allowed.

11. Applicant's arguments filed 12/26/08 have been considered but they are not persuasive.

Applicant argues

"The cited portion of Shrader does not describe a graphical user interface that displays one or more subscribers and one or more computers (that provide VPN functions), therefore, the cited portion only describes displaying firewalls, not subscribers. As noted in Applicant's specification, at page 18, lines 17-21, the ability to display both subscribers and computers (or switches), not just firewalls, provides an added benefit that enables an administrator to both ensure subscribers are adequately served and that individual switches are configured as desired."

Examiner respectfully disagrees since while the argument focuses on "the ability to display both subscribers and computers", the claim recites the alternative form "the subscribers and/or the computers" (emphasis added). Therefore Shrader's displayed IP tunnels between firewalls reads on the argued limitation.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached at 571-272-7767.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

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and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kieu D Vu/
Primary Examiner, Art Unit 2173